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ATTORNEYS FOR PLAINTIFFS
DAVID McKAY, SHEILA McKAY and THE ESTATE OF JOHN McKAY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID McKAY, SHEILA McKAY and THE
ESTATE OF JOHN McKAY,

Plaintiffs,

v.

CHRISTIAN HAGESETH, FRANK GRUICH,
JR., GRUICH PHARMACY SHOPPE, JRB
SOLUTIONS, INC., JRB HEALTH
SOLUTIONS, LLC, BENJAMIN KREIS and
GREG TUTTLE,

Defendants.

Case No. C 06 1377 MMC

**STIPULATED REQUEST FOR AN
ORDER CHANGING PLAINTIFFS' TIME
TO COMPEL FURTHER RESPONSES TO
FACTUAL DISCOVERY FROM THE
GRUICH DEFENDANTS AND
[PROPOSED] ORDER**

WHEREAS, plaintiffs served Special Interrogatories, Sets Three and Four on defendant Frank Gruich Jr. and Gruich Pharmacy Shoppe ("Gruich defendants") on February 21, 2007 and March 19, 2007 respectively;

WHEREAS, the parties engaged an a recorded, oral meet and confer meeting on May 7, 2007 concerning the Gruich defendants' responses to plaintiffs' Special Interrogatories, Sets Three and Four;

WHEREAS, the Gruich defendants agreed to provide further responses to plaintiffs' Special Interrogatories, Sets Three and Four;

WHEREAS, the responses that the Gruich defendants have agreed to provide will likely eliminate the need for a motion to compel further responses from the Gruich defendants.

WHEREAS, counsel for the Gruich defendants will be out of state at depositions in this

1 case for the majority of the week of May 7, 2007;

2 WHEREAS, under this Court's local rules, plaintiffs' last day to bring a motion to compel
3 factual discovery responses is May 22, 2007;

4 WHEREAS, the trial date is October 1, 2007 and an Order changing plaintiffs' time to
5 bring a motion to compel factual discovery responses will have no effect on the trial date or any
6 other deadlines in this case;

7 The parties hereby stipulate that the Gruich defendants shall provide further responses to
8 plaintiffs' Special Interrogatories, Sets Three and Four by May 24, 2007. Plaintiffs shall have
9 until June 5, 2007 to bring a motion to compel the same.

10 Dated: 5/8/07

WALKUP, MELODIA, KELLY,
WECHT & SCHOENBERGER

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13 Matthew D. Davis
14 Melinda T. Derish
15 Emily C. Wecht
Attorneys for Plaintiffs

16 Dated:

CARROLL, KELLY, TROTTER,
FRANZEN, & MCKENNA

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19 Mark V. Franzen,
20 Dmitriy Cherepinskiy,
Attorneys for defendants Frank Gruich, Jr. and
21 Gruich Pharmacy Shoppe

22 [PROPOSED] ORDER

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: 8 May 07

25
26 Hon. Bernard Zimmerman
United States District Judge

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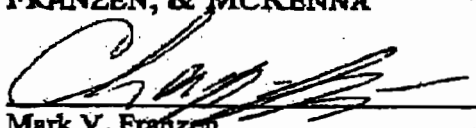
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11 WECHT & SCHOENBERGER

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Attorneys for Plaintiffs

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21 Attorneys for defendants Frank Gruich, Jr. and
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22 [PROPOSED] ORDER

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26 Hon. Bernard Zimmerman
27 United States District Judge

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